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FM AMEMBASSY RANGOON

TO RUEHC/SECSTATE WASHDC PRIORITY 7237

INFO RUCNASE/ASEAN MEMBER COLLECTIVE

RUEHGG/UN SECURITY COUNCIL COLLECTIVE

RUEHBY/AMEMBASSY CANBERRA 0947

RUEHNE/AMEMBASSY NEW DELHI 4508

RUEHUL/AMEMBASSY SEOUL 8038

RUEHKO/AMEMBASSY TOKYO 5599

RHHMUNA/CDR USPACOM HONOLULU HI

RUEHGV/USMISSION GENEVA 3534

RHEHNSC/NSC WASHDC

RUCNDT/USMISSION USUN NEW YORK 1371

RUEKJCS/SECDEF WASHDC

RUEHBS/USEU BRUSSELS

RUEKJCS/Joint STAFF WASHDC

C O N F I D E N T I A L RANGOON 000154

SIPDIS

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STATE FOR EAP AND IO; PACOM FOR FPA

E.O. 12958: DECL: 04/20/2017

TAGS: PGOV PREL PHUM BM

SUBJECT: MORE CHARGES, NO PROGRESS

REF: A. RANGOON 67

1B. RANGOON 9

Classified By: Pol Officer Sean O'Neill for Reasons 1.4 (b) & (d)

11. (C) Summary. The regime formally charged several prominent 88 Generation Students activists, including Min Ko Naing and Ko Ko Gyi, with unlawful interference with the regime's roadmap to democracy. The regime also charged at least seven other key activists with sedition. Both sedition and interference with the roadmap carry a maximum sentence of twenty years imprisonment. End Summary.

12. (C) Opposition lawyer U Aung Thein told us that at least ten 88 Generation Students activists, including Min Ko Naing and Ko Ko Gyi, were formally charged with unlawfully interfering in the regime's roadmap under law 5/96, which criminalizes criticism of the regime's roadmap. If convicted, they could receive between five and twenty years imprisonment. The regime had previously charged these activists with failing to register and clear their printed pro-democracy materials in violation of the Printers and Publishers Law which carried a maximum sentence of seven years (reftel A). Aung Thein, who represents several 88GS members including Min Ko Naing and Ko Ko Gyi, said he did not know if the new charges were in addition to or in place of the previous ones. The lawyer recently spoke with family members of several of the detained 88GS activists who told him that their family members remained in good health despite spending over six months in prison.

13. (C) U Aung Thein also reported that authorities recently charged at least seven other activists with sedition, including NLD members Thein Swe and Kyi Phyu; human rights activist Myo Thant (aka John Naw); and September demonstration participants Ye Min Oo, Ye Myat Hein, Si Thu Mg, and Zin Lin Aung. If convicted, these activists could receive as much as twenty years imprisonment. In January, authorities had dropped five of the six charges pending against Thein Swe (reftel B). This new charge of sedition increases the maximum sentence the activist could receive from two to twenty years.

14. (C) The sedition trial for these seven detainees began on February 27 at a special court in Insein prison, which is

closed to the public. Lawyers for the accused told us that, unlike in the past, this time they were permitted to participate in the proceedings. Lawyers U Aung Thein, U Khin Mg Shein, and U Pho PhyU told us the trials would likely continue today or tomorrow and expressed hope authorities would continue to allow them to participate in their clients' defense.

¶5. (C) Comment. Than Shwe's decision to charge peaceful, pro-democracy activists with interfering with the democratic process makes a mockery out his "roadmap to democracy." By charging the activists at the same time it unveiled a referendum law, the regime has signaled its unwillingness to permit free and open debate about its draft constitution.

End Comment.

VILLAROSA